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AJMER STATE GOVERNMENT

Law and Judicial Department

Ajmer, the 10th July 1954

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 3rd July, 1954 and is hereby published for general information:—

**THE WILD BIRDS AND ANIMALS PROTECTION (AJMER
AMENDMENT) ACT, 1954**

Act No. IV of 1954

An Act to amend the Wild Birds and Animals Protection Act, 1912 in its application to the State of Ajmer.

BE it enacted by the Legislative Assembly of the State of Ajmer as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Wild Birds and Animals Protection (Ajmer Amendment) Act, 1954.

(2) It extends to the whole of the State of Ajmer.

(3) It shall come into force at once.

2. Interpretation.—(1) In this Act, the term “principal Act” shall mean the Wild Birds and Animals Protection Act, VIII of 1912.

(2) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. Addition of proviso to clause (b) in section 3, Act VIII of 1912.—After clause (b) of section 3 of the principal Act, the following proviso shall be inserted, namely,—

“Provided that in all cases in which a person is accused of having sold or offered for sale any such bird or animal or the flesh thereof, it shall be presumed that the bird or animal

was captured or killed after the commencement of the closed season, unless the contrary is proved."

4. Insertion of new sections 3A, 3B and 3C in Act VIII of 1912.—After section 3 of the principal Act, the following sections shall be inserted, namely,--

"3A. Unlawful methods of hunting.—(1) No person shall hunt any wild bird or animal from or by means of a wheeled or a mechanically propelled vehicle.

(2) No person shall use a motor-car or motor-launch for the purpose of killing, driving or stampeding any wild bird or animal.

(3) No person shall hunt any wild bird or animal with nets, snares, pit-falls, poison or poison-weapons.

(4) No person shall for the purpose of hunting set fire to any vegetation.

(5) No person shall use any artificial light for the purpose of hunting, except in the case of carnivora.

(6) No person shall hunt any wild bird or animal during the hours of night, that is, one hour after sun-set and one hour before sun-rise, except in the case of carnivora.

(7) No person shall hunt any wild bird or animal on any land of private ownership, without the consent of the owner or his agent or the lawful occupier of such land.

Explanation.—For the purposes of this section "hunt" means to hunt, kill or capture any animal or bird by any method and includes any attempt to kill or capture it.

3B. Dead bird or animal property of Government.—(1) Any wild bird or animal found dead during close time or killed during such time in defence of life or property or by mistake or in respect of which a breach of the provisions of this Act has been committed, or the flesh or any other part of such bird or animal, shall be the property of the State Government.

(2) Any person who by any means obtains possession of any such bird or animal or of the flesh or other part thereof which becomes the property of State Government shall within 48 hours make a report thereof to the nearest police or forest officer and shall, if so required, hand over such bird or animal or flesh or other part to him.

3C. Powers of inspection, entry, search and seizure.—Any police officer not below the rank of a sub-inspector or any forest officer not below the rank of a range forest officer may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—

(a) require any such person to produce for his inspection any bird or animal in his possession or any licence issued to him;

(b) enter and search any premises, land, vehicle, or boat in the occupation of such person and open and search any baggage or other thing in his possession;

(c) seize any bird or animal in the possession of any person and appearing to him to be the property of the State Government."

5. Amendment of section 4, Act VIII of 1912.—In section 4 of the principal Act—

(a) for sub-section (1), the following shall be substituted, namely,—

"(1) Whoever does or attempts to do any act in contravention of any of the provisions of this Act shall be punishable with fine which may extend to one hundred rupees."

(b) in sub-section (2) for the words "(one hundred rupees)" the words "two hundred rupees" shall be substituted.

6. Addition of sub-sections (2) and (3) in section 6, Act VIII of 1912.—Section 6 of the principal Act shall be renumbered as sub-section (1) of section 6, and after sub-section (1) so renumbered, the following shall be inserted as sub-sections (2) and (3) of the said section, namely,—

"(2) The offences referred to in section 3A, and in the proviso to clause (b) of section 3 shall be cognizable offences.

(3) No court shall take cognizance of any offence against this Act except on the complaint or report of a person who is a public servant as defined in section 21 of the Indian Penal Code, 1860."

7. Amendment of section 7, Act VIII of 1912.—In section 7 of the principal Act for the word and figure "section 3", the words "this Act" shall be substituted.

G. S. GAITONDE.
Secy. to Govt., Ajmer.

